

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>BEHAVIORAL HEALTH INDUSTRY</b>	:	<b>CIVIL ACTION NO. 1:16-CV-1874</b>
<b>NEWS, INC., D/B/A OPEN MINDS,</b>	:	
<b>INC.,</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>Plaintiff</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>MENTAL HEALTH SYSTEMS, INC.,</b>	:	
	:	
<b>Defendant, Counterclaim</b>	:	
<b>Plaintiff, and Third-Party</b>	:	
<b>Plaintiff</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>BEHAVIORAL HEALTH INDUSTRY</b>	:	
<b>NEWS, INC., D/B/A OPEN MINDS,</b>	:	
<b>INC., OPEN MINDS GLOBAL, INC.,</b>	:	
<b>MONICA E. OSS, and JOE</b>	:	
<b>NAUGHTON TRAVERS,</b>	:	
	:	
<b>Counterclaim and</b>	:	
<b>Third-Party Defendants</b>	:	

## ORDER

AND NOW, this 29th day of August, 2017, upon consideration of the motion (Doc. 36) to dismiss counterclaim and strike scandalous and impertinent material by plaintiff and counterclaim defendant Behavioral Health Industry News, Inc., d/b/a Open Minds and third-party defendants Open Minds Global, Inc., Monica E. Oss, and Joe Naughton Travers, and further upon consideration of the amended answer and counterclaim (Doc. 42) filed on August 25, 2017 pursuant to Federal Rule of Civil Procedure 15(a)(1), see FED. R. CIV. P. 15(a)(1), and the court's order

(Doc. 41) granting an extension of time in which to file an amended answer and counterclaim, and the court finding that an amended pleading supersedes and renders the original a legal nullity, see Snyder v. Pascack Valley Hosp., 303 F.3d 271, 276 (3d Cir. 2002); 6 CHARLES ALAN WRIGHT ET AL., FEDERAL PRACTICE AND PROCEDURE § 1476 (2d ed. 1990), it is hereby ORDERED that:

1. The motion (Doc. 36) to dismiss counterclaim and strike scandalous and impertinent material is DENIED as moot and without prejudice.
2. Plaintiff and counterclaim defendant Behavioral Health Industry News, Inc., d/b/a Open Minds and third-party defendants Open Minds Global, Inc., Monica E. Oss, and Joe Naughton Travers shall respond to the amended counterclaim (Doc. 42) in accordance with the Federal Rules of Civil Procedure.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania